Report to Inspector (Appendix to main report) ABP- 310568

Development	Mixed Use development at Augustine Hill, Galway City
Type of Application	Normal Planning Appeal
Topic: **Appropriate Assessment**	Appropriate Assessment (recommendation)
Ecologist	Maeve Flynn BSc. PhD. MCIEEM
Planning Inspector	Mary Kennelly

Contents

1.0 Introduction

1.1. Scope of Report

This report comprises a detailed examination and analysis of the information provided by the applicant (in view of the Third-Party appeal) for the purpose of Appropriate Assessment (AA) under the provisions of Article 6(3) of the Habitats Directive and the Planning and Development Act 2000 (as amended). I provide a recommendation on the AA based on the scientific information provided in the Natura Impact Statement (NIS) and also taking account of third-party submissions and observations.

2.0 Proposed Development

2.1. A detailed description of the proposed development is provided in the Inspectors report and a general description of the proposed development is provided in section 2.2 of the NIS. The stated aim of the proposal is to develop a new neighbourhood in in Galway City Centre. The proposed location is a 3.3 Ha brownfield site adjacent to Ceannt Train Station. The proposed scheme (as designed) would consist of mixed-use residential, commercial, community and cultural area comprising of retail floor space, hotel, offices, cinema, café/restaurants, leisure uses, community and cultural facilities over nine development blocks varying from single story to 22 stories. There is also provision for a below ground service yard and a multi-story above ground car park.

2.2. The proposed development site is within an area of made ground, adjacent to Ceannt Train Station, with a variety of buildings and hard surface with a number of pockets of scrub vegetation and isolated trees present along the boundary of site. Apart from use of the site by bats, the proposed development site is of low ecological value. The site is located close to Galway Bay which is designated Special Area of Conservation (SAC) and also a Special Protection Area (SPA). The River Corrib (SAC) discharges into Galway Bay to the West of the proposed development site.

2.3. In summary the development (as designed) would comprise:

- 6 no. residential buildings: apartment units

- Retail use
- Café/bar/restaurant units as part of new development and part of re-use of protected structures, the Train shed and the Stables
- 1no. Hotel, office use, multi-screen cinema, multiuse cultural space, community facilities
- Multistorey car park over 6 floors,

and all associated site development works, site clearance, excavation, demolition of non-protected structures, services, waste storage facilities and landscaping works including new streets, public open spaces, new pedestrian entrances and two new vehicular access points

2.4. Background on planning- as relevant to AA

The Planning Inspectors report considers all planning issues in relation to the proposed development. Of relevance to the AA is the fact that in their consideration of the proposed development, Galway City Council (GCC) requested additional information in relation to potential impacts on European Sites and a revised NIS was submitted by the applicant in response (March 2021). GCC were satisfied with the further information submitted and completed their AA based on the revised NIS.

Issues considered and updated in the revised NIS included:

- Detailed analysis of potential impacts in line with best scientific knowledge in the field
- Further justification on screening out of certain sites for need for AA
- Possible interactions between SPA sites
- Inclusion of mitigation measures and demonstration of effectiveness of such measures to prevent ingress of contaminants via pathways to Galway Bay SAC and SPA
- Examination of bird strike with tall buildings and glass
- Examination of overshadowing of SAC habitats by tall buildings
- Examination of air quality issues in relation to sensitive habitats

- Impacts to otter
- Expanded cumulative impact assessment

As competent authority for the AA, GCC concurred with the conclusions of the NIS and determined that the proposed development does not pose a risk of adversely affecting the integrity of European Sites alone or in combination with other plans and projects subject to full implementation of proposed mitigation measures

In May 2021, Galway City Council refused permission for 2 residential towers (pin 4 and pin 5) of Block no 9 and granted planning permission for the reminder of the scheme with conditions related to mass, scale and density among others. GCC conditioned the removal of five levels (floors) from building Pin no. 3 of Block 8 and two levels from Pin no. 2 also of Block 8 and Pin no. 6 of Block 5. The proposed hotel building in Block 2 should be reduced by two levels (on both Pin no. 7 and 8).

3.0 Third party Appeal -Submissions

The grounds of the third-party appeals do not refer specifically to nature conservation issues or AA related to the development itself. Concerns relate to the potential additive effect of the proposed development on the Galway City wastewater network, which is claimed to be deficient due to unmeasured quantities of untreated sewage effluent escaping through storm water overflows into both the River Corrib (part of Lough Corrib SAC) and Galway Bay SAC. I note that no evidence of adverse effects of these overflow events are reported in the submissions. The Planning Inspector deals with the Third-Party observations in detail and the following is a summary.

3.1. **An Taisce** state that they have been aware for some time of the growing concerns regarding increasing leakages of untreated wastewater into Galway Bay prior to it reaching the wastewater treatment plant on Mutton Island for processing. They submit that a cumulative impact assessment of the proposed development with other development in Galway be undertaken by the Board and that all other proposed developments in Galway should be considered premature in the absence of the need to upgrade Galway City wastewater network capacity and treatments systems leading to the Mutton Island WWTP.

3.2. **Mr Brendan Mulligan** also objects to the proposed development on similar grounds with a detailed submission on storm water overflows. In summary:

- Insufficient capacity in the Galway City wastewater collection network, leading to operation of storm water overflows following relatively light rainfall event.
- Proposed development will add cumulatively to increased loading of wastewater collection network, exacerbating lack of capacity in systems
- More frequent operation of storm water overflows and the discharge of sewerage to surface waters

3.3. **First Party Response to third party submissions**

In their response to the third-party appeal, the first party contends that the proposed development has been adequately assessed in terms of potential impacts on the wastewater network with wastewater infrastructure designed in accordance with all relevant guidance and described in the planning documents and drawings.
Irish Water has confirmed the feasibility of the proposed connections to the foul and wastewater networks and Galway City Council considered the development acceptable subject to conditions laid out in their planning determination.

4.0 Consideration of the Likely Significant Effects on a European Site

4.1. **Article 6(3) of the Habitats Directive**

The requirements of Article 6(3) as related to appropriate assessment are considered fully in this section. The areas addressed in this section are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- The Natura Impact Statement
- Screening for appropriate assessment
- Appropriate assessment of implications of the proposed development on the integrity each European site

For the avoidance of doubt, the assessment is of the Revised NIS (submitted to Galway City Council in 2021 in response to a request for further information) and associated appendices and mapping submitted to the Board as part of the appeal.

In their AA of the proposed development, informed by the NIS (2021), Galway City Council found that the proposed development would not be likely to have significant effects on any European site in view of the conservation objectives and qualifying interest of such sites and therefore adverse effects on site integrity could be excluded.

4.2. Compliance with Article 6(3) of the EU Habitats Directive:

The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the sites conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

4.3. The Natura Impact Statement

The NIS prepared by Aquafact (2021) provides a detailed description of the proposed development, the application site and the surrounding area.

The NIS takes account of requests for further information made by Galway City Council in their initial consideration of the planning application which included the consideration of possible interactions between SPA sites, potential impacts on otter, examination of possible overshadowing of habitats and further detail on mitigation measures.

The receiving environment is described, and results of field surveys is presented in section 3.3.1.2 of the NIS. The proposed development site is of very low ecological value, with no suitable conditions for habitats, plant, or animal species of relevance to the adjacent SAC or SPA.

The scientific assessment to inform AA is presented in NIS sections 3.3 -3.5. The Conservation objectives of the various qualifying interest features and special conservation interest species are listed. Possible Impact pathways are identified, and

the assessment of likely significant effects undertaken. Impact mechanisms identified which could give rise to adverse effects on site integrity including construction related pollution discharges are presented in tables 3.16-3.17. The potential for significant effects on SCI bird species of the SPA is examined in more detail in the NIS in section 3.4.

Mitigation measures are detailed in section 3.6 and in the outline construction and demolition waste management plan and outline construction management plan appended to the NIS.

The NIS concludes that significant effects can be excluded for Inner Galway Bay SPA and Lough Corrib SPA and that subject to the implementation of the recommended mitigation measures, significant effects on the Galway Bay Complex SAC and Lough Corrib SAC will be avoided and adverse effects on site integrity can be excluded.

4.4. Screening for Appropriate Assessment

The first test of Article 6(3) is to establish if the proposed development could result in likely significant effects to a European site, in which case the development is 'screened in' for further detailed assessment- appropriate assessment (stage 2).

The NIS prepared by Aquafact on behalf of the applicant, included screening for AA (stage 1) which concluded that the possibility of significant effects could not be ruled out in view of the conservation objectives of four European sites and thus the proposed development must proceed to (stage 2) Appropriate Assessment (NIS Table 2.4 screening matrix).

European Sites part of the Natura 2000 network:

- Inner Galway Bay SPA (004031)
- Galway Bay Complex SAC (000268)
- Lough Corrib SAC (000297)
- Lough Corrib SPA (004042)

In determining the potential for significant effects of the mixed-use development, nine European Sites in the wider area (up to 15km) were considered by the applicant (NIS Section 2.3). When the source-pathway-receptor model was applied, this list was

refined to the four sites listed above. Potential impact mechanisms considered included:

- Mechanism 1: Discharges released during construction periods; release of dust, sediment, chemicals and/or waste material
- Mechanism 2: Disturbance associated with construction activities
- Mechanism 3: Collision risk of tall buildings for birds

Table 1. Summary of European Sites for which the likelihood of significant effects could be ruled out (Applicant).

Inner Galway Bay SPA (004031)	**Boundary located adjacent to the site -70m south, Lough Atalia and mouth of River Corrib** **Possible effects from Impact Mechanisms 1, 2, 3**
Bird species of Special conservation Interest (SCI): Black-throated Diver, Great Northern Diver, Cormorant, Grey Heron, Light-bellied Brent Goose, Wigeon, Teal, Red-breasted Merganser, Ringed Plover, Golden Plover, Lapwing, Dunlin, Bar-tailed Godwit, Curlew, Redshank, Turnstone, Black-headed Gull, Common Gull, Sandwich Tern, Common Tern	
Habitat area Wetlands and waterbirds	
Galway Bay Complex SAC (000268)	**Boundary located adjacent to the site -70m south, Lough Atalia and mouth of River Corrib** **Possible effects from Impact Mechanisms 1, 2, 3** (Habitats: coastal habitats only **(in Bold)**
Habitats **Mudflats and sandflats not covered by seawater at low tide, Coastal lagoons, Large shallow inlets and bays**, Reefs, Perennial vegetation of stony banks, Vegetated sea cliffs of the Atlantic and Baltic coasts, Salicornia and other annuals colonising mud and sand, Atlantic salt meadows (Glauco-Puccinellietalia maritimae),Mediterranean salt meadows (Juncetalia maritimi), Turloughs, Juniperus communis formations on heaths or calcareous grasslands, Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites), Calcareous fens with Cladium mariscus and species of the Caricion davallianae, Alkaline fens, Limestone pavements	
Species	

Otter, Harbour Seal	
Lough Corrib SAC **(000297)**	**Mouth of the River Corrib discharges into Galway Bay within 600m of the proposed site.** **Possible effects from Impact Mechanisms 1, 2 on species in bold only**
Habitats Oligotrophic waters containing very few minerals of sandy plains, Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea,Hard oligo-mesotrophic waters with benthic vegetation of Chara spp., Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation, Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites),Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae),Active raised bogs, Degraded raised bogs still capable of natural regeneration, Depressions on peat substrates of the Rhynchosporion, Calcareous fens with Cladium mariscus and species of the Caricion davallianae, Petrifying springs with tufa formation (Cratoneurion), Alkaline fens, Limestone pavements, Old sessile oak woods with Ilex and Blechnum in the British Isles,Bog woodland	
Species **Freshwater Pearl Mussel, White-clawed Crayfish, Sea Lamprey, Brook Lamprey, Salmon** Lesser Horseshoe Bat, **Otter** Slender Naiad, Slender Green Feather-moss	
Lough Corrib SPA **(004042)**	**Located over 3.7km from the site** **Possible connection via SCI species common to both SPA sites (in bold)** **Possible effects from Impact Mechanisms 3**
Bird species of Special conservation Interest (SCI): Greenland White-fronted Goose Gadwall, Shoveler, Pochard, Tufted Duck, Common Scoter, Hen Harrier, Coot, Golden Plover, Black-headed Gull, Common Gull Common Tern, Arctic Tern **Habitat area:** Wetland and Waterbirds	

In-combination effects with other plans and projects were considered at the screening stage and no additional potentially significant effects from other development were identified (NIS section 3.2.2).

4.5. Screening Determination (recommended)

Having regard to the information presented in the AA Screening Report, NIS, submissions, the urban nature of the site within fully serviced area, its likely indirect and cumulative effects, I consider that there is a low probability of impacts of such magnitude that would result in significant effects on nearby European Sites. However, given close proximity to Galway Bay complex SAC and Inner Galway Bay SPA in particular and indirect hydrological connection between the site and the SAC and SPA via surface water and through existing drainage, the prevention of any construction related emissions would be required.

The applicant concluded that in the absence of mitigation, the proposed development alone could result in significant effects on a number of qualifying interest features of Inner Galway Bay SPA and Galway Bay Complex SAC, Lough Corrib SAC and Lough Corrib SPA.

Given that mitigation measures are prescribed with the clear intent to prevent any impacts to European Sites, notwithstanding that most of the measures are standard for any construction site, I consider that the Planning Inspector and the Board should screen in the proposed development for AA for Galway Bay SPA and Galway Bay Complex SAC and Lough Corrib SAC.

In considering the potential for significant effects on Lough Corrib SAC I find that the applicant has included for potential impacts on species that are out of range of any possible zone of influence of the effects of the proposed development.

The proposed development is downstream of the main channel of the river and within and area of tidal influence. Based on the scale of the development any emissions to surface water and Galway Bay would be highly unlikely to be pushed upstream in any concentrations that could affect freshwater dependant species including brook lamprey or white-clawed crayfish. The qualifying interest feature of freshwater pearl mussel is not within a likely zone of influence of the proposed development as conservation objectives are for the Owenriff catchment some 30km northwest of Galway city.

Atlantic Salmon and Sea Lamprey move through Galway Bay on migration and into and out of the main channel of the River Corrib. Otter is also a common QI for both SAC sites. These are the only QI with any remote connection to the possible zone of influence of the proposed development. The applicant has included for mitigation measures to apply to prevent adverse effects to this European site and therefore it is screened in for further assessment.

In considering the potential for significant effects on Lough Corrib SPA, located a distance of some 3.7km upstream of the proposed development at the closest point, the only possible connection could be via interaction of SCI species common to both SPAs that would be at risk of collision with tall buildings at this location. Four bird species are common to both SPAs with some potential for interaction between populations. These species are Golden plover, Black-headed gull, Common Gull and Common Tern.

I am satisfied that based on objective information including distance between SPAs, the low suitability of the development site for any wetland bird species, the low risk of collision for these species that this site can be removed from further assessment as the potential for impacts of any significance can be excluded. I note that this was also the initial consideration of the applicant, however in an abundance of caution, the site was included for AA in the revised NIS submitted as response to further information.

In summary, the potential for significant effects could not be excluded for Galway Bay SPA, Galway Bay Complex SAC and Lough Corrib SAC and therefore Appropriate Assessment is required.

The potential for significant effects on other European sites in the wider area, alone or in combination with other plans and projects within the wider area can be excluded.

4.6. Appropriate Assessment

The following is an objective assessment of the implications of the proposal on the relevant conservation objectives of the European sites based on the scientific information provided in the NIS. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects on site integrity are examined and assessed for effectiveness. I have relied on the following guidance:

- DoEHLG (2009). Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government, National Parks and Wildlife Service. Dublin
- EC (2018) Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC
- EC (2021) Assessment of plans and projects in relation to Natura 2000 sites. Methodological guidance on Article 6(3) and 6(4) of the Habitats Directive 92/43/EC

I have also reviewed and taken account of the Appropriate Assessment undertaken by Galway City Council in their consideration of the proposed development.

4.6.1. **Relevant European sites:**

Following on from screening, the following sites are taken forward for AA due to the requirement for mitigation measures to avoid significant effects or that the significance of effects are uncertain and require further assessment.

- Galway Bay SPA,
- Galway Bay Complex SAC
- Lough Corrib SAC

A description of the sites and their Conservation Objectives and Qualifying Interests/Special Conservation Interests, including relevant attributes and targets are set out in the NIS and summarised in this report as part of my assessment. The scientific information provided by the applicant further expands on the assessment of significant effects based on the best available scientific information referencing peer reviewed papers and documents, in particular for the SCI bird species and wetland habitat of the SPA site. I am satisfied that the applicant has had due regard to the conservation status of all relevant species and habitats and document threats and pressures.

I have also examined the Conservation Objectives Supporting Documents for these sites, available through the NPWS website (www.npws.ie).

Tables 2-4 below summarise the information considered for the Appropriate Assessment and site integrity test. I have taken this information from that provided in the NIS.

Table 2: AA summary matrix for Inner Galway Bay SPA

Inner Galway Bay SPA (site code 004031) **Summary of Key issues that could give rise to adverse effects:** (Indirect) Mechanism 1: Discharges released during construction periods; release of dust, sediment, chemicals and/or waste material Mechanism 2: Disturbance associated with construction activities Mechanism 3: Collision risk of tall buildings for birds **Detailed Conservation Objectives available (NPWS 2013):** Inner Galway Bay SPA | National Parks & Wildlife Service (npws.ie)			
		Summary of Appropriate Assessment	
Qualifying interest	**Conservation Objectives Targets and attributes (summary- inserted)**	**Potential adverse effects**	**Mitigation measures**
Black-throated Diver, Great Northern Diver, Cormorant, Grey Heron, Light-bellied Brent Goose, Wigeon, Teal, Red-breasted Merganser, Ringed Plover, Golden Plover, Lapwing, Dunlin, Bar-tailed Godwit, Curlew, Redshank, Turnstone, Black-headed Gull, Common Gull, Sandwich Tern, Common Tern	To maintain favourable conservation condition Long term population trend stable or increasing No significant decrease in the range, timing or intensity of use of areas by the SCI birds other than that occurring from natural patterns of variation	A risk assessment undertaken for all species taking account of disturbance, population sensitivity, habitat suitability of development site and habitat flexibility of the species: level of impact: **negligible** **No adverse effects** Collision risk likelihood: remote **No adverse effect**	Bird friendly glazing/ anti strike glazing 16m above grade and on windows facing a green roof or terrace Noise mitigation including noise screens during construction
Wetlands and Waterbirds	To maintain permanent extent of Habitat area:	No impact on habitat area- **no adverse effect** Habitat quality: see Galway Bay Complex SAC Table 3	Pollution prevention measures (see below and 4.6.3)
Overall conclusion: Integrity test The applicant determined that following a detailed assessment of potential significant effects arising from the proposed development alone or in combination with other plans and projects, the risk of adverse effects on site integrity can be excluded in view of special qualifying interest bird species and their habitats.			

I concur with the applicants conclusion of no adverse on site integrity effects taking into account the conservation objectives of Inner Galway Bay SPA. There will be no significant decrease in the range, timing of intensity of use of areas by SCI birds and no impacts on habitat area.

Table 3: AA summary matrix for Galway Bay Complex SAC

Galway Bay complex SAC (000268)

Summary of Key issues that could give rise to adverse effects:
Mechanism 1: Discharges released during construction periods; release of dust, sediment, chemicals and/or waste material
Mechanism 2: Disturbance associated with construction activities

Detailed Conservation Objectives available (NPWS 2013): ConservationObjectives.rdl (npws.ie)

		Summary of Appropriate Assessment	
Qualifying Interest feature *priority habitat Annex I	**Conservation Objectives Targets and attributes (summary- inserted)**	**Potential adverse effects**	**Mitigation measures**
Mudflats and sandflats not covered by seawater at low tide,	Permanent habitat is stable/increasing Conserve community types in natural condition: Intertidal sandy mud community complex; and Intertidal sand community complex.	Release of sediment, chemicals, other construction related waste during construction could undermine the conditions required for maintaining or restoring favourable conservation condition	Pollution control measures including sediment traps for surface water and any dewatering requirements
Coastal lagoons*,	Restore favourable conservation condition Note: Lough Atalia lagoon is in very poor conservation condition		
Large shallow inlets and bays,	Permanent habitat is stable/increasing Maintain extent and quality of zostera and maërl dominated communities Conserve community types in natural condition:		
All other habitats are outside a zone of influence of the proposed development			
Otter	No significant decline in distribution, extent of terrestrial, marine or freshwater habitats, no significant decline in fish biomass available, no increase in barriers to connectivity	Potential for disturbance of any significance excluded. **No adverse effects**	Noise mitigation including noise

Harbour Seal	Range not restricted by artificial barrier, conserve breeding sites, moult haul out sites and resting haul out sites Human activities should occur at levels that do not adversely affect the population	No impacts on range or breeding or haul out sites Potential for disturbance of any significance excluded. **No adverse effects**	screens during construction
Overall conclusion: Integrity test The applicant determined that following a detailed assessment of potential significant effects arising from the proposed development alone or in combination with other plans and projects, and the application of pollution prevention mitigation measures the risk of adverse effects on site integrity can be excluded in view of the conservation objectives of qualifying interest habitat and species. I concur with the applicant's conclusion of no adverse effects on site integrity on Galway Bay complex SAC. With the application of mitigation measures there will be no risk of contamination from sediment or other construction and operational related emissions and the conservation objectives of maintaining or restoring favourable conservation condition will not be undermined or delayed.			

Table 4: AA summary matrix for Lough Corrib SAC

Lough Corrib SAC (000297) **Summary of Key issues that could give rise to adverse effects:** **Mechanism 1: Discharges released during construction periods; release of dust, sediment, chemicals and/or waste material** **Detailed Conservation Objectives available 9NPWS 2017):** **https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000297.pdf**			
		Summary of Appropriate Assessment	
Special Conservation Interest	**Conservation Objectives Targets and attributes (summary- inserted)**	**Potential adverse effects**	**Mitigation measures**
All QI habitats are outside a zone of influence of the proposed development			
Otter	No significant decline in distribution, extent of terrestrial, marine or freshwater habitats, no significant decline in fish biomass available, no increase in barriers to connectivity	Potential for disturbance of any significance excluded. **No adverse effects**	Noise mitigation including noise screens during construction
Diadromous fish **Sea Lamprey**	Distribution- > 75% rivers accessible from estuary, all three age groups present, no decline in extent and distribution of spawning beds,	Release of sediment, chemicals, other construction related waste during construction could	Pollution control measures including sediment traps for surface water and

	Availability of juvenile habitat	undermine the conditions required for maintaining or restoring favourable conservation condition	any dewatering requirements
Atlantic Salmon	100% river channels accessible, number of adult spawning fish above conservation limit, no decline in out migrating smolt abundance, no decline in number or distribution of spawning redds, water quality at least Q4		
Overall conclusion: Integrity test The applicant determined that following a detailed assessment of potential significant effects arising from the proposed development alone or in combination with other plans and projects, and the application of pollution prevention mitigation measures the risk of adverse effects on site integrity can be excluded in view of the conservation objectives of qualifying interest habitat and species. I concur with the applicant's conclusion of no adverse effects on site integrity on Lough Corrib SAC in view of the conservation objectives of Otter and diadromous fish. With the application of mitigation measures there will be no risk of contamination from sediment or other construction or operational related emissions and the conservation objectives of maintaining or restoring favourable conservation condition will not be undermined or delayed.			

4.6.2. **In-combination effects**

I am satisfied that based on the scientific information provided by the applicant in the NIS that the development alone would not result in adverse effects on the site integrity of any European Site within the defined zone of influence of any impact mechanisms of the proposed development. A concern raised in the 3rd party appeals relates to the possible additive effect of this development with others in the area upon the local wastewater network in times when storm water overflows are activated. While any storm overflow will discharge into the SAC and SPA when activated by high levels of rain fall as per their operating licenses, the third party have not provided evidence of this resulting in an adverse effect. The applicant considered in-combination effects as part of the NIS but did not explicitly consider the issue raised by the Third Party.

As outlined in Section 3.3 of this report, the First Party response to Third Party submissions on this issue stated that the proposed development has been adequately assessed in terms of potential impacts on the wastewater network with wastewater infrastructure designed in accordance with all relevant guidance and described in the planning documents and drawings. Irish Water has confirmed the feasibility of the proposed connections to the foul and wastewater networks and Galway City Council

considered the development acceptable subject to conditions laid out in their planning determination.

The control or effectiveness of the wastewater network is outside of the remit of the applicant for the proposed development, and it is reasonable to take the statements from Galway City Council and Irish Water that there is sufficient capacity in the network to cope with the proposed development. The Planning Inspector deals with this issue in more detail in her comprehensive assessment.

The conservation objectives supporting documents for the Galway Bay Complex SAC, and SPA and Lough Corrib SAC cite diffuse pollution to surface waters due to household sewage and waste waters/ discharges as threats and pressures to those sites. The current EPA catchment assessment for transitional waters at the Corrib estuary (Inner Galway Bay North) is Good (3rd cycle draft (EPA 2021) and not at risk Galway Bay North (catchments.ie) and Outer Galway Bay has High waterbody status. Similarly, the River Corrib is evaluated as Good with no pressures identified on the Water Directive Framework (WFD) surface waterbody status (2013-2018). Therefore, the Third-Party concerns regarding pollution from storm water overflows do not appear to be affecting current water quality status as defined by the WFD.

The recently adopted Interim Galway City Development Plan 2023-2029[1] and associated Strategic Environmental Assessment (SEA)[2] acknowledges that key challenges for Galway city include balancing growth with preventing deterioration of water quality and developing infrastructure to meet population projection targets. The following is an extract from the SEA related to a summary of water quality issues:

> Key challenges for Galway City include balancing growth with preventing the deterioration of water quality and delivering physical infrastructure to meet population projection targets. The continued development and enhancement of wastewater and drainage infrastructure within the city is essential to its future growth and in order to maintain and enhance water quality. Water quality is also

[1] Galway City Development Plan 2023-2029

[2] Draft SEA Environmental Report (galwaycity.ie)

a key environmental condition supporting the integrity of European sites and areas identified on the WFD Registers of Protected Areas. The Plan promotes the protection of surface water, groundwater and coastal/estuarine resources and their associated habitats and species including fisheries. Other water issues include providing a safe and secure water supply and maintaining and enhancing city beaches Blue Flag Status. Water conservation measures and promoting best practice in the design and construction of SUDS also play an important role in the management of water resources.

Water quality management to eliminate serious pollution associated with point sources, to tackle diffuse pollution and to use the full range of legislative measures in an integrated way to achieve better water quality is a key challenge Galway City Council is part of a wider network of stakeholders who seek to achieve this. The plan promoting a compact growth approach with policy in relation to water quality protection, waste management, use of SUDs and collaboration with Irish Water supports water quality management. The importance of water resources and habitats in the city is reflected through the number of natural heritage designations including the Lough Corrib SAC, SPA and Ramsar Site.

The previous Galway City Development Plan (2017-2023) acknowledged that there were issues with the combined sewer overflows on the wastewater sewer network as these were older combined sewers and an intermittent source of pollution for waterbodies. Irish Water commenced the Galway City Drainage Area Plan to address these issues with options and solution designs to address the existing issues on the drainage network including combined sewer overflows as well as looking at growth areas identified in the Development Plan. Section 9.4 of the Interim Galway City Development Plan 2023-2029 commits to progressing sewer rehabilitation activities, capital maintenance activities, stormwater overflow monitoring and monitoring performance to ensure most urgent works are prioritised.

Irish Water have also completed upgrades to a number of old sewers as part of the Galway Sewer Rehabilitation Project[3]. This was undertaken on sewers in William Street, Middle Street, Shop Street, High Street, Cross Street, Augustine Street and Flood St.

The Interim Galway City Development Plan (2023-2029) includes consideration of the Ceannt Station Redevelopment (Ceannt Quarter Regeneration Sites Section 10.5). The Natura Impact Report[4] that assesses the potential impacts of the Plan on European Sites considers and references mitigation policies (See Section 5) including water quality, water services and Sustainable Urban Drainage Systems as part of the mitigation policies that apply to the Ceannt Station redevelopment element of the Plan (Public Realm) in order to exclude the potential of adverse effects.

In addition, I note that the most recent Galway County Development Plan 2022-20228[5] fully acknowledges the that increased development pressures in the area could place additional loadings onto the existing wastewater treatment plant facilities. Section 4 of the SEA identifies the current loadings for WWTP which indicate that there is additional capacity within the existing infrastructure in the wider county

Overall, I am satisfied that the proposed development, once constructed and operational will not add significantly to the wastewater services that will in place at that future date and that there is stated capacity for the development by the Authorities responsible for wastewater management. I am satisfied that the proposed development alone or in combination with other developments will not pose a risk of significant effects to European Sites in terms of additional loading of wastewater and the operation of storm water overflow functioning.

[3] https://www.water.ie/projects/local-projects/galway-sewer-rehabilitati/

[4] https://www.galwaycity.ie/gccfiles/?r=/download&path=L0RlcGFydG1lbnRzL1BsYW5uaW5nL0RldmVsb3BtZW50IFBsYW4vMjAyMy0yMDI5L1N1cHBvcnRpbmcgRG9jdW1lbnRhdGlvbi9JbnRlcmltIEFwcHJvcHJpYXRlIEFzc2Vzc21lbnQgUmVwb3J0cyBQMDIucGRm

[5] https://www.galway.ie/en/services/planning/planspolicy/cdp28/

4.6.3. **Mitigation Measures**

A summary of mitigation measures is presented in the tables above. Details are provided in Section 3.6 of the NIS and Appendix I outline construction and demolition waste management plan and Appendix 2, outline construction management plan (CMP). Measures proposed include the following:

Pollution prevention:

The outline construction management plan sets out general and detailed pollution controls (10.5). surface water drainage and ground water control measures include:

- Preparation of agreed method statement with Galway City Council
- All runoff to be intercepted on site
- Groundwater encountered will be pumped to settlement tanks or other appropriate facility prior to discharge
- Onsite surface water drains to be tested prior to connection to prevent ingress of ground water.
- No uncontrolled ground water inflows to existing water manholes and drains.
- Fuels and hydrocarbons will be stored in bunded areas
- Concrete mixing in a designated area only
- Regular inspection of settlement tanks to be carried out
- Emergency spill kits on site
- All excavations and topsoil stored in appropriate manner
- Sediment run off will be manged by using sediment skirts around soil stockpiles, and sediment retention barriers in surface water drains
- Implementation of construction waste management plan

Measures to manage wastewater and surface water are also proposed for the operational phase of the development including:

- Wastewater will be collected and discharged into the public sewer.
- All surface water and wastewater connections to be made with the approval of Irish Water and the Local Authority

- Surface water drainage system to be connected to the public sewer. Surface water will discharge to an attenuation tank prior to discharge. Design of attenuation pond considers greenfield run off rate.
- Interception storage will prevent elevated levels of suspended solids in run-of (to brownfield levels

I am satisfied that the measures proposed are standard pollution prevention measures that can be implemented and managed effectively to avoid ingress of sediment, construction related and waste pollutants and also operational phase wastewater and surface water into Galway Bay or into the main channel of the River Corrib.

Noise prevention

Noise screens to be erected during construction

- Noise monitoring stations will be located on site to monitor and record background and construction noise
- Proper maintenance of operating plant to ensure noise emission compliance
- Compressors to be filled with acoustically lined covers.
- Avoiding unnecessary vehicle movements and implementation of speed limits on site to minimise generation of dust and noise

I am satisfied that these measures are all standard and can be easily implemented on site.

Glass treatments

The applicant proposed to implement a window treatment for glass windows up to 16m above grade increase visibility of the glass to flying birds and reduce the potential for bird strike.

Note: I am satisfied that the proposed development poses no significant risk of bird strike to SCI bird species. It is more likely to be a risk to smaller common passerine

bird species that may occur on the site and as any green space develops, however the window treatment should be implemented, and a suggested condition is proposed in line with a condition imposed by Galway City Council (May 2021).

5.0 Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that in the absence of mitigation measures, the proposed development at Augustine Hill, Galway could result in significant effects on three European sites, Galway Bay SPA, Galway Bay Complex SAC and Lough Corrib SAC and that Appropriate Assessment was required. The possibility of significant effects on Lough Corrib SPA and any other European site was excluded.

Following an examination and evaluation of the NIS, all associated material submitted as part of, and taking into account of submissions I am satisfied that adverse effects on the integrity of Galway Bay SPA, Galway Bay Complex SAC and Lough Corrib SAC can be excluded.

My conclusion is based on the following:

- Detailed assessment of all aspects of the proposed development that could result in significant effects or adverse effects on European Sites within a zone of influence of the development site.
- Consideration of the conservation objectives and conservation status of qualifying interest species and habitats
- A full assessment of risks to special conservation interest bird species
- Application of mitigation measures designed to avoid adverse effects on site integrity
- The proposed development would not undermine the favourable conservation condition of any qualifying interest feature or delay the attainment of

favourable conservation condition for any species or habitat qualifying interest for these European sites.

Suggested Conditions:

- All mitigation measures set out in the NIS will be implemented in full.

- All pollution control and waste control measures to be implemented as set out in the outline construction and demolition waste management plan and outline construction management plan (CMP) and agreed with Galway City Council and Irish Water .

- In order to minimise bird strike, bird friendly glazing/anti bird strike window treatment is to be applied to windows that face outwards of the site to either Lough Atalia or Forthill Cemetry from 4m of the ground up to 20m above ground level. This would consist of markings of 5mm dots spaced max 50mm x 50mm apart. Windows facing a green roof or terrace must also be treated independent of height. Reason: to minimise the potential for bird strike on expanses of glass in line with the mitigation proposed and conditions of Galway City council grant of permission

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10th February 2023